

R E M A R K S

Entry of the amendments hereinabove, reconsideration of the Office Action mailed July 23, 1990 and withdrawal of the rejection of claims 1-35 and 40 are respectfully requested.

The Examiner has rejected claims 1-35 and 40 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 7-9 of copending U.S. application Serial No. 249,749.

Claims 1-3, 17, 28 and 33-35 have been rejected by the Examiner under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has rejected claims 1-3, 17, 28, 33-35 and 40 under 35 U.S.C. 103 as being unpatentable over Mrozik '209.

Claims 1-3, 17, 28, 33-35 and 40 have been rejected by the Examiner under 35 U.S.C. 103 as being unpatentable over British patent '436 in combination with Mrozik '209.

Claims 36-39 stand withdrawn from consideration by the Examiner as being drawn to a nonelected invention.

The Examiner's rejection of claims 1-35 and 40 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 7-9 of copending U.S. application Serial No. 249,749 is respectfully traversed. Claims 1-35 and 40

(2/90)
M.23
(3/6)

of this application are directed to compounds wherein the various R^2 groups are directly bound to C-25. In contrast, claims 1-5 and 7-9 of copending U.S. application Serial No. 249,749 are directed to compounds wherein the various R^2 groups thereof are bound to a methylene group which, in turn, is bound to C-25. Claims 1-35 and 40 of this application are not obvious in light of claims 1-5 and 7-9 of copending U.S. application Serial No. 249,749. Nonetheless, enclosed for filing is a Terminal Disclaimer by the assignee of this application and U.S. application Serial No. 249,749. The Terminal Disclaimer overcomes the Examiner's rejection of claims 1-35 and 40 under the judicially created doctrine of obviousness-type double patenting.

Applicants have, without waiver or prejudice to their rights to claim the subject matter deleted, amended claim 1 by deleting alpha-branched C_3-C_8 alkyl and alkenyl from the values for R^2 therein. Such amendment overcomes the Examiner's rejection of claims 1-3, 17, 28 and 33-35 under 35 U.S.C. 112, second paragraph. Further, such amendment renders the provisos of claim 1 inoperative. Thus, those provisos have also been deleted from claim 1.

Applicants maintain that compounds of this invention are not obvious in view of Mrozik '209. Applicants continue to rely on the arguments contained in their Reply under 37 C.F.R §1.111, filed April 26, 1990. However, in view of the amendment hereinabove to

claim 1 removing alpha-branched C₃-C₈ alkyl groups from the definition of R², the Examiner's rejection of claims 1-3, 17, 28, 33-35 and 40 under 35 U.S.C 103 as being unpatentable over Mrozik '209 is overcome.

The Examiner's rejection of claims 1-3, 17, 28, 33-35 and 40 under 35 U.S.C. 103 as being unpatentable over British patent '436 in combination with Mrozik '209 is respectfully traversed. Applicants continue to rely on the arguments contained in their Reply under 37 C.F.R §1.111 filed April 26, 1990. Neither British patent 2166436 nor Mrozik '209 teach, disclose or suggest the compounds of this invention or any method to make such compounds. However, in view of the amendment hereinabove to claim 1 removing alpha-branched C₃-C₈ alkenyl groups from the definition of R², the Examiner's rejection of claims 1-3, 17, 28, 33-35 and 40 under 35 U.S.C. 103 as being unpatentable over British patent '436 in combination with Mrozik '209 is overcome.

The amendments to claim 1 hereinabove do not constitute new matter. Further, claims 36-39 have been cancelled without waiver or prejudice as those claims are drawn to a non-elected invention pursuant to a restriction requirement issued by the Examiner in this application.

The Commissioner is hereby authorized to charge Deposit Account No. 16-1445 in the amount of \$100.00


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(5/6)

for filing of the enclosed Terminal Disclaimer. The Commissioner also is authorized hereby to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-1445. Two copies hereof are enclosed.

Based on the foregoing, claims 1-35 and 40, all claims pending in this application after entry of the amendments hereinabove, are in condition for allowance. Such prompt and favorable action is earnestly solicited.

Respectfully submitted,

Dated: Dec. 11, 1990


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Enclosures

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